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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,486	10/21/2005	Doerte Eimers-Klose	10191/3910	3947
26646	7590	08/31/2007	EXAMINER	
KENYON & KENYON LLP			BLAIR, DOUGLAS B	
ONE BROADWAY			ART UNIT	
NEW YORK, NY 10004			PAPER NUMBER	
			2142	
			MAIL DATE	
			DELIVERY MODE	
			08/31/2007	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,486	Applicant(s) EIMERS-KLOSE ET AL.	
	Examiner Douglas B. Blair	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 8-14 are currently pending.

Response to Arguments

2. Applicant's arguments filed 8/20/2007 have been fully considered but they are not persuasive. With respect to claim 8, the applicant argues that because Gelvin discloses an IP router that can route messages between three networks Gelvin does not show a gateway that routes messages between only two subnets. In response to the argument the Examiner points out that should one of the networks supported by Gelvin be omitted, Gelvin would anticipate the claim. MPEP section 2144.04 (II) states that the omission of an element and its function is obvious if the function of the element is not desired. In the instant case if one of the networks taught by Gelvin is not needed, then it would not be desired and thus obvious to omit.
3. The applicant argues further with respect to claim 8 that, "Because the modular software gateway only route information between only two subnets, three software gateway modules are necessary to combine three networks. The 'Gelvin' reference does not refer to three software gateways." It is unclear exactly what the applicant is arguing here. The claims do not require three software gateways so it is not clear why the applicant is making an allegation that Gelvin does not teach three software gateways. Gelvin teaches an IP router that performs gateway functions by converting between various protocols. The router in Gelvin has software drivers for performing these conversions. The software drivers taught by Gelvin are considered "at least one modular software gateway".

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4. Finally, with respect to claim 14, the applicant argues that, “nothing in the Gelvin reference discloses that the IP Router 502 is equivalent to gateway 302”. It is unclear how this argument relates to claim 14 but regardless, Gelvin discloses that the IP router 502 is resident on the gateway (page 13, lines 28-29). The only gateway referred to previously in Gelvin is gateway 302. Therefore the gateway 302 reads on the claimed gateway unit and the IP router 502 reads on the “at least one modular gateway” included on the gateway unit.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication Number WO 01/26337 by Gelvin et al.

7. As to claim 8, Gelvin teaches a device for connecting subnets in a vehicle (page 12, lines 13-22 and page 14, lines 12-16), comprising: a gateway unit configured to connect at least two subsystems (See Figure 3), wherein the gateway unit is made of at least one modular software gateway (page 14, lines 17-23), which routes messages between precisely two subnets (page 13, lines 27-30 and Figure 5, the IP Router 502 can route messages between precisely subnetworks 504 and 506, 506 and 508, or 504 and 508); however Gelvin does not explicitly teach routing messages between only two subnetworks.

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8. It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gevlin regarding routing messages between multiple networks with the idea of routing messages between only two subnets because MPEP section 2144.04 (II) states that the omission of an element and its function is obvious if the function of the element is not desired. In the instant case if one of the networks taught by Gevlin is not needed, then it would not be desired and thus obvious to omit.

9. As to claim 9, Gevlin teaches the device as recited in claim 8, wherein at least three subnets are connected to the gateway unit (Figure 5), the gateway unit including a plurality of modular software gateways, each of the modular software gateways routing messages between precisely two subsystems (IP Router 502 has IEEE 1394, Ethernet, and IDB-C drivers illustrated as link interfaces in Figure 7).

10. As to claim 10, Gevlin teaches the device as recited in claim 8, further comprising: bus-specific receiving objects configured to relay incoming messages to selected software gateways, the bus-specific receiving objects being provided for each subnet (IP Router 502 has IEEE 1394, Ethernet, and IDB-C drivers).

11. As to claim 11, Gevlin teaches the device as recited in claim 10, wherein the receiving objects include routing tables in which a treatment of incoming messages is configured (Routing tables are inherent to Router 502).

12. As to claim 12, Gevlin teaches the device as recited in claim 8, further comprising: bus-specific transmitting objects configured to monitor access to a particular bus, for each subnet (IP Router 502 has IEEE 1394, Ethernet, and IDB-C drivers. Page 18, lines 11-20 discusses how the link interfaces manage access to the physical layer).

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13. As to claim 13, Gelvin teaches the device as recited in claim 8, wherein the modular software gateway is configured to buffer incoming messages and perform protocol-specific adaptations (page 18, lines 11-20 and Figure 7).

14. As to claim 14, Gelvin teaches a device for connecting subnets in a vehicle comprising: a gateway unit configured to connect at least two subsystems (See Figure 3), the gateway unit being integrated in a control unit having an application system and being provided in one layer of a communication system of the vehicle (page 12, lines 13-22 and page 14, lines 12-16), the gateway unit including at least one modular logical gateway (IP Router 502 has IEEE 1394, Ethernet, and IDB-C drivers illustrated as link interfaces in Figure 7), the logical gateway connecting exactly two subsystems (Figure 3); however Gelvin does not explicitly teach routing messages between only two subnetworks.

15. It would have been obvious to only route messages between two subnets for the reasons discussed in the rejection of claim 8.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair
DBB


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER